

PENDING CLAIMS  
Application No. 10/203,374  
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Claims 1-16 (canceled).

Claim 17 (previously presented): A process for making a colored make-up cosmetic composition which produces a transparent or translucent colored coat on at least one of the skin, lips and superficial body growths, comprising the following successive steps:

- (1) selecting a cosmetically acceptable base having at least one of bulk opaqueness, translucency and transparency,
- (2) preparing at least one series of samples of the cosmetic base, each series comprising increasing amounts of a coloring agent dissolved or dispersed in the cosmetically acceptable base,
- (3) spreading each of the samples of the at least one series over a transparent slide having a recess with a depth of 10  $\mu\text{m}$ ,
- (4) measuring, for each of the samples of the at least one series, the transmission of the layer thus formed at a wavelength corresponding to the maximum of the absorption or scattering peak ( $\lambda_{\text{max}}$ ) of the coloring agent,
- (5) drawing a calibration curve by plotting the values of the transmission at  $\lambda_{\text{max}}$  as a function of the concentration of the coloring agent,
- (6) selecting, from the calibration curve thus obtained, a concentration of the coloring agent corresponding to a transmission at  $\lambda_{\text{max}}$  ranging from 20% to 80%, and

(7) incorporating the at least one coloring agent from the at least one series, at the concentration selected in step (6), in a cosmetic base in the liquid state and identical to or different from that used in step (1).

Claim 18 (previously presented): The process according to claim 17, wherein, in step (6), the concentration of the coloring agent corresponding to a transmission at  $\lambda_{\max}$  ranging from 25% to 80% is selected from the calibration curve.

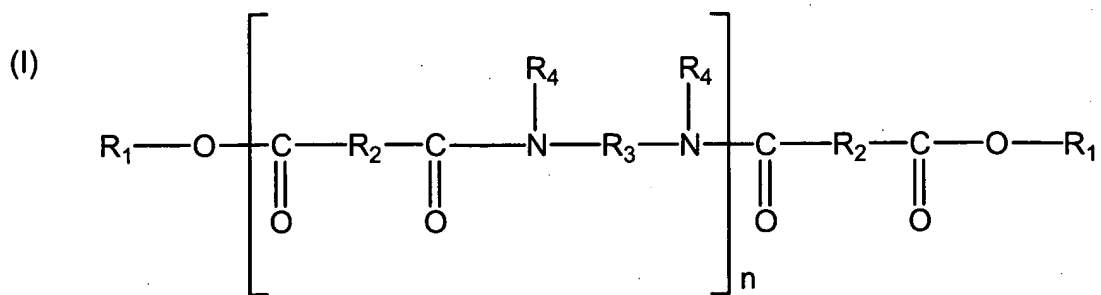
Claim 19 (previously presented): The process according to claim 17, wherein the cosmetically acceptable base is a substantially colorless base.

Claim 20 (previously presented): The process according to claim 17, wherein the cosmetically acceptable base is chosen from aqueous gels and oily gels.

Claim 21 (previously presented): The process according to claim 20, wherein the gel is in stick form.

Claim 22 (previously presented): The process according to claim 17, wherein the cosmetically acceptable base is an anhydrous gel formed from a fatty phase which is liquid at ambient temperature comprising an oil chosen from polar oils and nonpolar oils, wherein the fatty phase is structured by a gelling agent for fatty phases which is chosen from at least one of hydrophobic pyrogenic silicas, gelling polyamides, hydrophobic galactomannans, waxes, and modified clays.

Claim 23 (previously presented): The process according to claim 22, wherein the gelling polyamide corresponds to the formula (I):



in which n represents a whole number such that the number of ester groups ranges from 10% to 50% of the total number of the ester and amide groups;

R<sub>1</sub>, which may be identical or different, represents a group chosen from alkyls having at least 4 carbon atoms and alkenyls having at least 4 carbon atoms;

R<sub>2</sub>, which may be identical or different, represents a C<sub>4</sub> to C<sub>42</sub> hydrocarbonaceous group, provided that 50% of the R<sub>2</sub> groups represent a C<sub>30</sub> to C<sub>42</sub> hydrocarbonaceous group;

R<sub>3</sub>, which may be identical or different, represents an organic group having at least 2 carbon atoms, hydrogen atoms, and optionally at least one atom chosen from oxygen atoms and nitrogen atoms; and

R<sub>4</sub>, which may be identical or different, represents a group chosen from hydrogen atoms, C<sub>1</sub> to C<sub>10</sub> alkyls, optionally directly bonded to R<sub>3</sub> or to another R<sub>4</sub>, so that the nitrogen atom to which both R<sub>3</sub> and R<sub>4</sub> are bonded forms part of a heterocyclic structure defined by R<sub>4</sub>-N-R<sub>3</sub>, with at least 50% of the R<sub>4</sub> groups representing a hydrogen atom.

Claim 24 (previously presented): The process according to claim 23, wherein each  $R_1$ , which may be identical or different, is chosen from alkyls having 4 to 24 carbon atoms and alkenyls having 4 to 24 carbon atoms.

Claim 25 (previously presented): The process according to claim 22, wherein the modified clay is a hectorite modified by a  $C_{12}$ - $C_{22}$  fatty acid ammonium chloride.

Claim 26 (previously presented): The process according to claim 17, wherein the coloring agent is chosen from at least one of water-soluble dyes, fat soluble dyes, pigments, pearlescence agents, and lakes.

Claim 27 (previously presented): The process according to claim 26, wherein the water-soluble dye is chosen from at least one of fuchsin, extracts of sorghum, *Pterocarpus soyauxii*, *Monascus*, *Lawsonia inermis*, *Mercurialis perenis*, *Helianthus aanus*, *Impatiens balsamina*, *Curcuma longa*, *Phytolacca decandra*, *Solidago aureus*, *Juglans regia*, *Iris germanica*, *Alkanna tinctoria*, *Chrozophoro tinctoria*, and *Isatis tinctoria*.

Claim 28 (previously presented): The process according to claim 26, wherein the fat-soluble dye is chosen from at least one of Sudan red III, lutein, quinizarin green, alizural purple SS, carotenoid derivatives, annatto derivatives, and fuchsin derivatives.

Claim 29 (previously presented): The process according to claim 28, wherein the carotenoid derivative is chosen from lycopene,  $\beta$ -carotene, bixin, and capsantein.

Claim 30 (previously presented): The process according to claim 26, wherein the pigment is chosen from at least one of white inorganic pigments, colored inorganic pigments, white coated inorganic pigments, white organic pigments, colored coated inorganic pigments, and colored organic pigments.

Claim 31 (canceled).

Claim 32 (previously presented): The process according to claim 26, wherein the pearlescence agent is chosen from mica covered with at least one of titanium oxide and bismuth oxychloride and titanium oxide-coated mica covered with at least one of iron oxide, ferric blue, chromium oxide, and precipitated organic pigments.

Claim 33 (previously presented): The process according to claim 26, wherein the lake is chosen from at least one of lakes based on cochineal carmine, lakes based on at least one of calcium salts, barium salts, aluminum salts, strontium salts, and zirconium salts, and lakes based on acid dyes.

Claim 34 (previously presented): The process according to claim 17, wherein the process comprises, between steps (3) and (4), an additional step comprising leveling the excess of the sample so as to obtain a layer with a homogenous thickness of 10  $\mu\text{m}$ .

Claim 35 (previously presented): The process according to claim 17, wherein the transparent slide is a quartz slide.

Claim 36 (previously presented): A colored make-up cosmetic composition with controlled transmission prepared according to a process comprising the following successive steps:

- (1) selecting a cosmetically acceptable base having at least one of bulk opaqueness, translucency and transparency,
- (2) preparing at least one series of samples of the cosmetic base, each series comprising increasing amounts of a coloring agent dissolved or dispersed in the cosmetically acceptable base,
- (3) spreading each of the samples of the at least one series over a transparent slide having a recess with a depth of 10  $\mu\text{m}$ ,
- (4) measuring, for each of the samples of the at least one series, the transmission of the layer thus formed at a wavelength corresponding to the maximum of the absorption or scattering peak ( $\lambda_{\text{max}}$ ) of the coloring agent,
- (5) drawing a calibration curve by plotting the values of the transmission at  $\lambda_{\text{max}}$  as a function of the concentration of the coloring agent,
- (6) selecting, from the calibration curve thus obtained, a concentration of the coloring agent corresponding to a transmission at  $\lambda_{\text{max}}$  ranging from 20% to 80%, and
- (7) incorporating at least one second coloring agent from the at least one series, at the concentration selected in step (6), in a second cosmetic base in a liquid state identical to or different from that used in step (1).

Claim 37 (previously presented): The process according to claim 30, wherein the pigment is chosen from at least one of titanium dioxide, zirconium dioxide, cerium dioxide, zinc oxide, iron oxide, chromium oxide, ferric blue, chromium hydrate, carbon black, ultramarines, manganese violet, manganese pyrophosphate, and metal powders.

Claim 38 (previously presented): The process according to claim 37, wherein the metal powder is chosen from silver powders and aluminum powders.